

AGENDA ITEM SUMMARY

Staff Contact Person: Joseph Haberman, Planner

[1st of 2 required public hearings]

PREVIOUS RELEVANT COMMISSION ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

DISPOSITION: _____ **AGENDA ITEM #** _____

FUTURE LAND USE MAP AMENDMENT
FROM
RESIDENTIAL MEDIUM (RM) TO
MIXED USE / COMMERCIAL (MC)

AND

LAND USE DISTRICT (ZONING) MAP
AMENDMENT FROM
IMPROVED SUBDIVISION (IS) TO
SUB URBAN COMMERCIAL (SC)

**BOARD OF COUNTY COMMISSIONERS
KEY WEST-HARVEY GOVERNMENT CENTER
APRIL 19, 2006**

FUTURE LAND USE MAP AMENDMENT AND LAND USE DISTRICT (ZONING) MAP AMENDMENT

A REQUEST FILED BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE / COMMERCIAL (MC) AND THE CURRENT LAND USE DISTRICT (ZONING) DESIGNATION FROM IMPROVED SUBDIVISION (IS) TO SUB URBAN COMMERCIAL (SC) FOR REAL ESTATE NUMBERS 00153240.000000 AND 00121660.000000 OF BIG COPPITT KEY, MONROE COUNTY, FLORIDA.

FUTURE LAND USE MAP RECOMMENDATIONS

Staff: Approval	March 16, 2006	Staff Report
DRC: Approval	March 21, 2006	Resolution #D 05-06
PC: Approval	April 12, 2006	Resolution #P 15-06

LAND USE DISTRICT (ZONING) MAP RECOMMENDATIONS

Staff: Approval	March 16, 2006	Staff Report
DRC: Approval	March 21, 2006	Resolution #D 04-06
PC: Approval	April 12, 2006	Resolution #P 14-06

BOCC TRANSMITTAL RESOLUTION

RESOLUTION NO. -2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE/ COMMERCIAL (MC). THE PROPERTIES ARE PHYSICALLY LOCATED ON FIRST STREET, BIG COPPITT KEY AND ARE LEGALLY DESCRIBED AS BLOCK 18, LOT 1, JOHNSONVILLE SUBDIVISION, PB 1-53, BIG COPPITT KEY, MONROE COUNTY, FLORIDA AND PART GOVERNMENT LOT 3, BIG COPPITT KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00153240.000000 AND 00121660.000000, AT APPROXIMATELY MILE MARKER 10.

WHEREAS, the Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the properties described above; and

WHEREAS, the Planning Commission and the Monroe County Board of County Commissioners support the requested future land use map designation change; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

Section 2. The Board of County Commissioners does hereby transmit the proposed amendment as part of the second (2nd) set of comprehensive plan amendments for 2006 to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes; and

Section 3. The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the ____ of _____, 2006.

Mayor Charles "Sonny" McCoy	_____
Mayor Pro Tem Murray Nelson	_____
Commissioner Dixie Spehar	_____
Commissioner George Neugent	_____
Commissioner David P. Rice	_____

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor McCoy

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

Deputy Clerk



BOCC Ordinance to Amend the Future Land Use Map (FLUM)

ORDINANCE NO. -2006

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE/ COMMERCIAL (MC). THE PROPERTIES ARE PHYSICALLY LOCATED ON FIRST STREET, BIG COPPITT KEY AND ARE LEGALLY DESCRIBED AS BLOCK 18, LOT 1, JOHNSONVILLE SUBDIVISION, PB 1-53, BIG COPPITT KEY, MONROE COUNTY, FLORIDA AND PART GOVERNMENT LOT 3, BIG COPPITT KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00153240.000000 AND 00121660.000000, AT APPROXIMATE MILE MARKER 10.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on April 19, 2006, conducted a review and consideration of the request filed by Lee Robert Rohe, on behalf of Ruben Investment Properties, to amend the Future Land Use Map designation of the following properties from Residential Medium (RM) to Mixed Use / Commercial (MC). The properties are physically located on First Street, Big Coppitt Key and are legally described as Block 18, Lot 1, Johnsonville Subdivision, PB 1-53, Big Coppitt Key, Monroe County, Florida and Part Government Lot 3, Big Coppitt Key, Monroe County, Florida. The Real Estate numbers are 00153240.000000 and 00121660.000000, located at approximate Mile Marker 10; and

WHEREAS, at its March 21, 2006 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Future Land Use Map amendment as indicated in the DRC Resolution No. D05-06; and

WHEREAS, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing in Marathon on April 12, 2006 and based on the facts presented at the meeting, the Planning Commission recommended approval of the request as indicated in PC Resolution No. P15-06; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Board of County Commissioners as indicated in the Staff Report dated March 27, 2006; and

WHEREAS, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. **Monroe County Code (MCC) Section 9.5-511 (d)(5)(b)** allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six specified conditions.
2. This map amendment recognizes a need for additional detail and comprehensiveness in planning (**MCC Section 511(d)(5)(b)(v)**). The application was initiated by the applicant in order to rezone the subject properties to current and future land use designations that correspond with the historic use of the subject properties.
3. The pre-1986 zoning of the subject properties was BU-3 (Heavy Business District). The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities.
4. During the 1986 Comprehensive Plan process, the land use district (zoning) of the subject properties was changed to Improved Subdivision (IS). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted, consistent with the Improved Subdivision District (IS). The Improved Subdivision (IS) and Residential Medium (RM) designations are not consistent with the BU-3 designation.
5. **MCC Section 9.5-213** states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the land development regulations.
6. **Policy 101.4.3** of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.
7. Pursuant to **MCC Sections 9.5-143** and **9.5-242**, the existing use of light industrial is a lawful, nonconforming use in the Improved Subdivision District.
8. The applicant has applied to have the existing land use district designation amended from Improved Subdivision (IS) to Sub Urban Commercial (SC) and to have the

future land use map designation amended from Residential Medium (RM) to Mixed Use / Commercial (MC).

9. **MCC Section 9.5-206** states that the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without the use of U.S. Highway 1.
10. **Policy 101.4.5** of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.
11. **MCC Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.
12. The Future Land Use Map (FLUM) of the *Monroe County Year 2010 Comprehensive Plan* shows that most of Johnsonville Subdivision received a FLUM designation of Residential Medium (RM), consistent with the Improved Subdivision District (IS). However, neighboring properties to the South of the subject properties along U.S. Highway 1 received a FLUM designation of Mixed Use / Commercial (MC), consistent with the Sub Urban Commercial District (SC).
13. **Objective 101.11** of the *Monroe County Year 2010 Comprehensive Plan* states that Monroe County shall implement measures to direct future growth away from environmentally sensitive lands and towards established development areas served by existing public facilities.
14. The subject properties are within an established development area which is served by existing public facilities.

WHEREAS, the Board of County Commissioners made the following **Conclusions of Law**:

1. The pre-1986 zoning of BU-3 (Heavy Business District) for the subject properties is not consistent with the current Land Use District of Improved Subdivision (IS) or the Future Land Use Map designation of Residential Medium (RM).
2. Based on the historic light industry use of the subject properties, which has been continuous from 1966 to present, and pursuant to **MCC Section 9.5-143**, the existing

use of light industrial is a lawful, nonconforming use. By amending the current Land Use District from Improved Subdivision (IS) to Sub Urban Commercial (SC) and the Future Land Use Map designation from Residential Medium (RM) to Mixed Use / Commercial (MC), the historic and existing use of the subject properties will be brought into compliance with the Land Development Regulations and will no longer be considered nonconforming. This will increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.

3. The proposed map amendment meets the fourth (v) criteria outlined in **Section 511(d)(5)(b)** of the *Monroe County Code* and will not have a negative impact or alter the character of the subject properties or the immediate vicinity.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described properties, which are currently designated Residential Medium (RM) shall be designated Mixed Use / Commercial (MC) as shown on the attached map, which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as delineated in Section 2 above.

Section 4. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 6. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 7. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the _____ of _____, A.D., 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray Nelson
Commissioner Dixie Spehar
Commissioner George Neugent
Commissioner David P. Rice

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

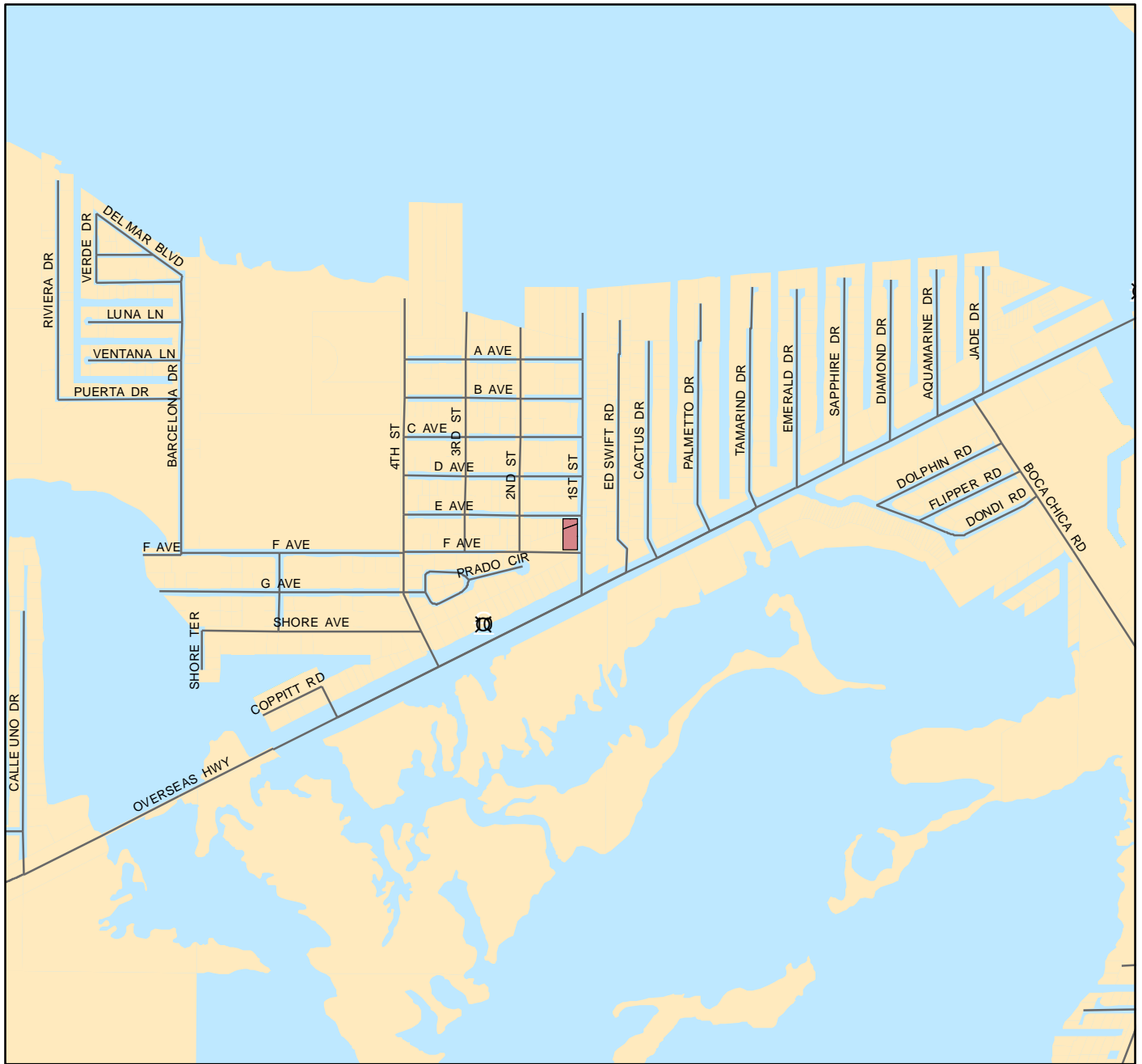
BY _____
Mayor McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK





Proposed Future Land Use District Map Amendment: Street Map

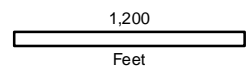
Key: Big Coppitt Key

Mile Marker: 10

Proposal: Change Future Land Use District from Residential Medium (RM) to Mixed Use/Commercial (MC)

Property Description: RE 00153240.000000, 00121660.000000

Map Amendment: M26078





Proposed Future Land Use District Map Amendment: Aerial

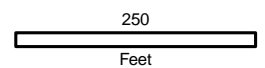
Key: Big Coppitt Key

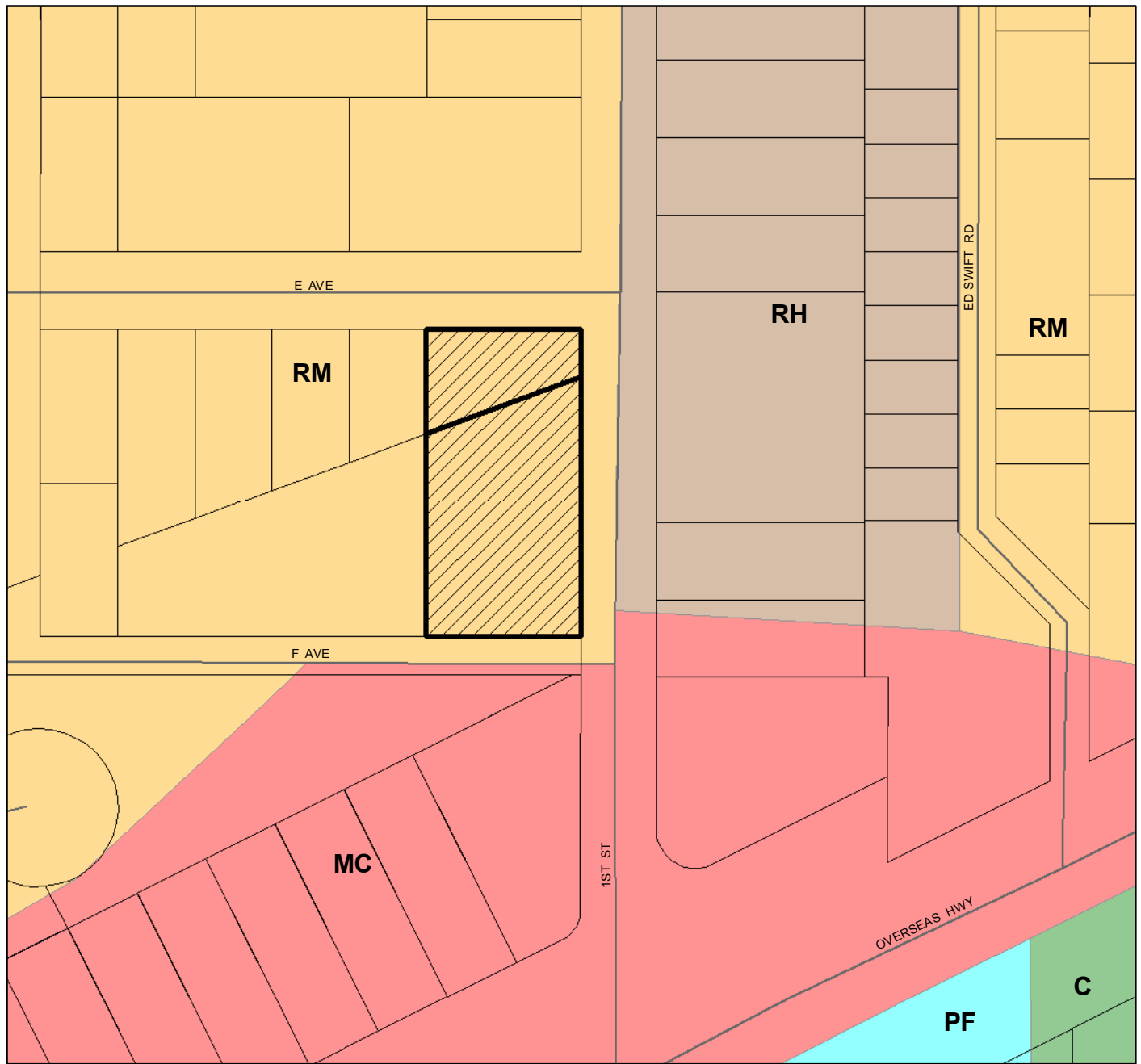
Mile Marker: 10

Proposal: Change Future Land Use District from Residential Medium (RM) to Mixed Use/Commercial (MC)

Property Description: RE 00153240.000000, 00121660.000000

Map Amendment: M26078





**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated and briefly described as:**

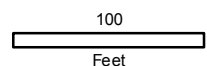
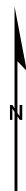
Key: Big Coppitt Key

Mile Marker: 10

Proposal: Change Future Land Use District from Residential Medium (RM)
to Mixed Use/Commercial (MC)

Property Description: RE 00153240.000000, 00121660.000000

Map Amendment: M26078



BOCC Ordinance to Amend the Land Use District (Zoning) Map

ORDINANCE NO. -2006

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE LAND USE DISTRICT MAP FOR THE FOLLOWING PROPERTIES FROM IMPROVED SUBDIVISION (IS) TO SUB URBAN COMMERCIAL (SC). THE PROPERTIES ARE PHYSICALLY LOCATED ON FIRST STREET, BIG COPPITT KEY AND ARE LEGALLY DESCRIBED AS BLOCK 18, LOT 1, JOHNSONVILLE SUBDIVISION, PB 1-53, BIG COPPITT KEY, MONROE COUNTY, FLORIDA AND PART GOVERNMENT LOT 3, BIG COPPITT KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00153240.000000 AND 00121660.000000, AT APPROXIMATE MILE MARKER 10.

WHEREAS, the Monroe County Board of County Commissioners, during a regular meeting held on April 19, 2006, conducted a review and consideration of the request filed by Lee Robert Rohe, on behalf of Ruben Investment Properties, to amend the Land Use District (zoning) map designation of the following properties from Improved Subdivision (IS) to Sub Urban Commercial (SC). The properties are physically located on First Street, Big Coppitt Key and are legally described as Block 18, Lot 1, Johnsonville Subdivision, PB 1-53, Big Coppitt Key, Monroe County, Florida and Part Government Lot 3, Big Coppitt Key, Monroe County, Florida. The Real Estate numbers are 00153240.000000 and 00121660.000000, located at approximate Mile Marker 10; and

WHEREAS, at its March 21, 2006 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Land Use District map amendment as indicated in the DRC Resolution No. D04-06; and

WHEREAS, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing in Marathon on April 12, 2006 and based on the facts presented at the meeting, the Planning Commission recommended approval of the request as indicated in PC Resolution No. P14-06; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Board of County Commissioners as indicated in the Staff Report dated March 27, 2006; and

WHEREAS, the Board of County Commissioners further reviewed the application and made the following **Finding of Facts**:

1. **Monroe County Code (MCC) Section 9.5-511 (d)(5)(b)** allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six specified conditions.
2. This map amendment recognizes a need for additional detail and comprehensiveness in planning (**MCC Section 511(d)(5)(b)(v)**). The application was initiated by the applicant in order to rezone the subject properties to current and future land use designations that correspond with the historic use of the subject properties.
3. The pre-1986 zoning of the subject properties was BU-3 (Heavy Business District). The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities.
4. During the 1986 Comprehensive Plan process, the land use district (zoning) of the subject properties was changed to Improved Subdivision (IS). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted, consistent with the Improved Subdivision District (IS). The Improved Subdivision (IS) and Residential Medium (RM) designations are not consistent with the BU-3 designation.
5. **MCC Section 9.5-213** states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the land development regulations.
6. **Policy 101.4.3** of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.
7. Pursuant to **MCC Sections 9.5-143** and **9.5-242**, the existing use of light industrial is a lawful, nonconforming use in the Improved Subdivision District.
8. The applicant has applied to have the existing land use district designation amended from Improved Subdivision (IS) to Sub Urban Commercial (SC) and to have the

future land use map designation amended from Residential Medium (RM) to Mixed Use / Commercial (MC).

9. **MCC Section 9.5-206** states that the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without the use of U.S. Highway 1.
10. **Policy 101.4.5** of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.
11. **MCC Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.
12. The Future Land Use Map (FLUM) of the *Monroe County Year 2010 Comprehensive Plan* shows that most of Johnsonville Subdivision received a FLUM designation of Residential Medium (RM), consistent with the Improved Subdivision District (IS). However, neighboring properties to the South of the subject properties along U.S. Highway 1 received a FLUM designation of Mixed Use / Commercial (MC), consistent with the Sub Urban Commercial District (SC).
13. **Objective 101.11** of the *Monroe County Year 2010 Comprehensive Plan* states that Monroe County shall implement measures to direct future growth away from environmentally sensitive lands and towards established development areas served by existing public facilities.
14. The subject properties are within an established development area which is served by existing public facilities.

WHEREAS, the Board of County Commissioners made the following **Conclusions of Law**:

1. The pre-1986 zoning of BU-3 (Heavy Business District) for the subject properties is not consistent with the current Land Use District of Improved Subdivision (IS) or the Future Land Use Map designation of Residential Medium (RM).
2. Based on the historic light industry use of the subject properties, which has been continuous from 1966 to present, and pursuant to **MCC Section 9.5-143**, the existing

use of light industrial is a lawful, nonconforming use. By amending the current Land Use District from Improved Subdivision (IS) to Sub Urban Commercial (SC) and the Future Land Use Map designation from Residential Medium (RM) to Mixed Use / Commercial (MC), the historic and existing use of the subject properties will be brought into compliance with the Land Development Regulations and will no longer be considered nonconforming. This will increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.

3. The proposed map amendment meets the fourth (v) criteria outlined in **Section 511(d)(5)(b)** of the *Monroe County Code* and will not have a negative impact or alter the character of the subject properties or the immediate vicinity.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board specifically adopts the findings of fact and conclusions of law stated above.

Section 2. The previously described properties, which are currently designated Improved Subdivision (IS) shall be designated Sub Urban Commercial (SC) as shown on the attached map, which is hereby incorporated by reference and attached as Exhibit 1.

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinance in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 5. This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance; does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not waive any fee or penalty due or unpaid on the effective date of this ordinance; and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the _____ day of _____, A.D., 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray Nelson
Commissioner Dixie Spehar
Commissioner George Neugent
Commissioner David P. Rice

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY _____
Mayor McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK





Proposed Land Use District Map Amendment: Street Map

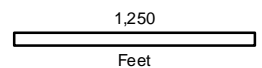
Key: Big Coppitt Key

Mile Marker: 10

Proposal: Change Land Use District from Improved Subdivision (IS)
to Suburban Commercial (SC)

Property Description: RE 00153240.000000, 00121660.000000

Map Amendment: M26078





Proposed Land Use District Map Amendment: Aerial

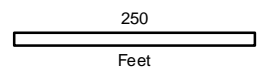
Key: Big Coppitt Key

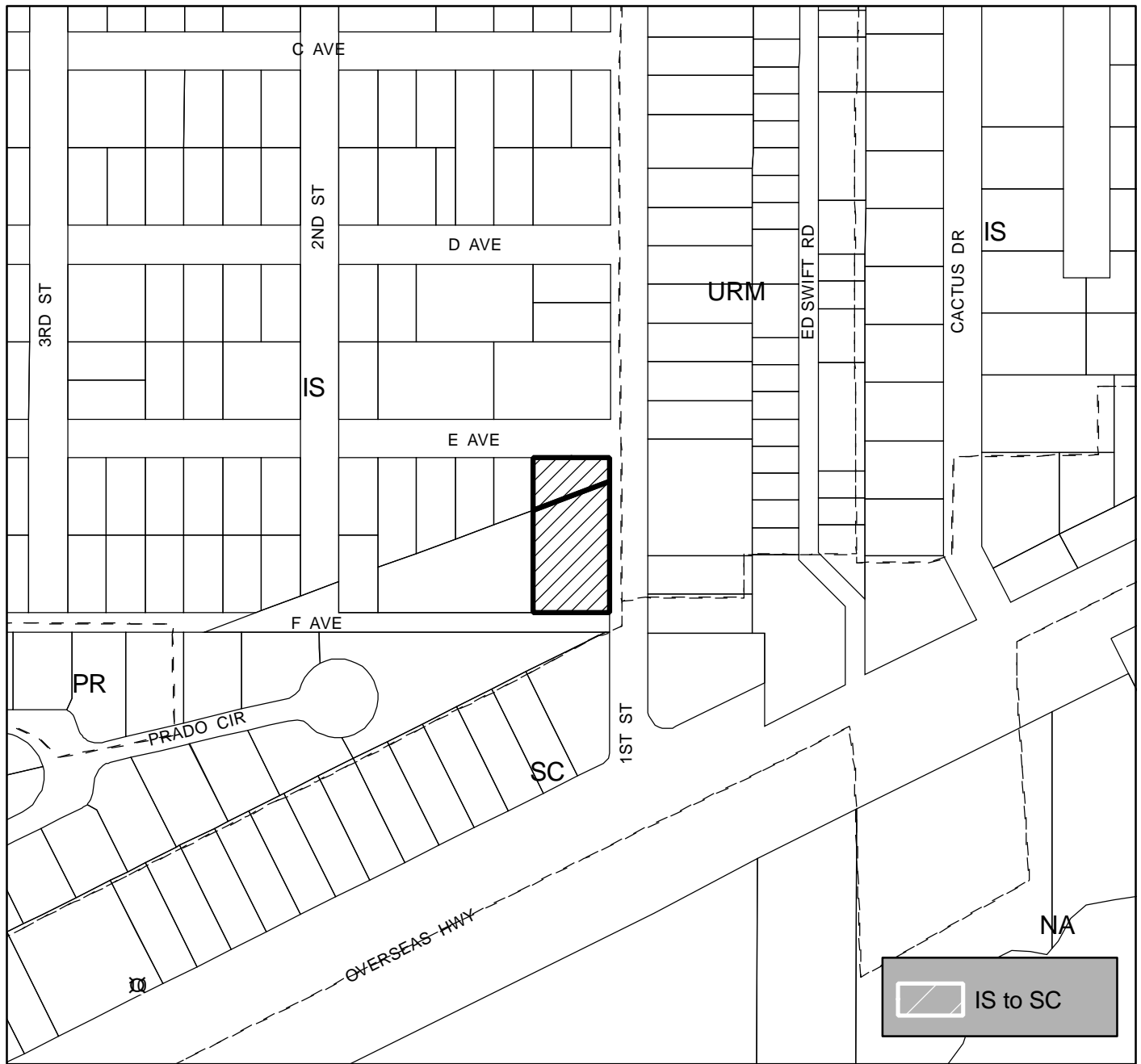
Mile Marker: 10

Proposal: Change Land Use District from Improved Subdivision (IS) to Suburban Commercial (SC)

Property Description: RE 00153240.000000, 00121660.000000

Map Amendment: M26078





The Monroe County Land Use District Map is proposed to be amended as indicated above and briefly described as:

Key: Big Coppitt Key

Mile Marker: 10

Proposal: Change Land Use District from Improved Subdivision (IS) to Suburban Commercial (SC)

Property Description: RE 00153240.000000, 00121660.000000

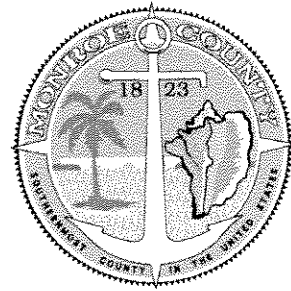
Map Amendment: M26078



250
Feet

BOCC STAFF REPORT

MEMORANDUM



TO: Monroe County Board of County Commissioners

FROM: Joseph Haberman, Planner
Andrew Omer Trivette, Senior Biologist

RE: Land Use District and Future Land Use Map Amendments

DATE: March 27, 2006

MEETING DATE: April 19, 2006

EXISTING FUTURE LAND USE DESIGNATION: Residential Medium (RM)

PROPOSED FUTURE LAND USE DESIGNATION: Mixed Use / Commercial (MC)

EXISTING ZONING DESIGNATION: Improved Subdivision (IS)

PROPOSED ZONING DESIGNATIONS: Sub Urban Commercial (SC)

PROPERTY OWNER: Ruben Investment Properties, LLC

AGENT: Lee Robert Rohe

PROPERTY INFORMATION

Key: Big Coppitt Key

Size: 20,000 ft² (0.46 acres)

Mile Marker: MM 10 of U.S. Highway 1

Real Estate Number(s): 00153240.000000 & 00121660.000000

Location Brief and Detail:

The site is commonly known as the Key West Party Rental and is located on Big Coppitt Key. It consists of two contiguous properties, with the Real Estate Numbers 00153240.000000 (Northern parcel) and 00121660.000000 (Southern parcel). The subject properties are situated along First Street, one block North of U.S. Highway 1. The site is bounded by First Street to the East, Avenue E to the North and Avenue F to the South. The physical address is 7 First Street.

The subject properties are within Section 22, Township 67, Range 26 of Monroe County, Florida. RE 00153240.000000 is legally described as Block 18, Lot 1, Johnsonville Subdivision,

PB 1-53, Big Coppitt Key. RE 00121660.000000 is legally described as Part Government Lot 3, Big Coppitt Key. Monroe County Property Appraiser records indicate that there is one 6,985 ft² structure on the property, built in 1966.

Existing Use:

A party rental center is currently operating on the properties. Based on the application, there is also an office and residential apartment onsite. The party rental center use is considered light industrial and is not permitted in the Improved Subdivision District (IS). Pursuant to the *Monroe County Code* (MCC), an industrial use is a use devoted to manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials whether new or used. However, Staff has determined that the industrial use is a lawful, nonconforming use and may continue with its industrial designation pursuant to MCC Section 9.5-143. The proposed map amendments will make the existing light industrial use conforming.

Existing Habitat:

The current site conditions of the southern parcel are developed with little to no remaining vegetation. The northern parcel is vacant and also has little native vegetation.

Neighboring Land Uses and Character:

Most of the properties located within the neighboring area, including Johnsonville Subdivision, are zoned and subdivided primarily for residential use. The areas to the North and West of the subject properties are designated within an Improved Subdivision District (IS). The area to the East of the subject properties is designated within an Urban Residential Mobile Home District (URM). However, to the South of the subject properties, the areas along U.S. Highway 1 are designated within a Sub Urban Commercial District (SC).

ZONING AND LAND USE HISTORY

The Tiffany Marble Factory was established on the site in 1966 and the two subject properties remained in continuous ownership until November of 1996 when they were transferred to Old Town Key West Development. In May of 1997, the properties were transferred to Josianne Kennedy and remained in her ownership until the applicant's purchase of the properties. The properties have been utilized for a variety of commercial and industrial uses since 1966.

Pre-1986 Zoning:

Both properties were zoned for business use prior to the 1986 adoption of the Land Development Regulations. The property's pre-1986 zoning was BU-3 (Heavy Business District) which allowed industrial uses and prohibited residential uses. The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities. The district was established to provide areas in which compatible or related industrial type uses may be located.

Considerations during the 2010 Comprehensive Plan Process:

The land use designation was changed to Improved Subdivision (IS) in 1986 with the adoption of the Land Development Regulations (LDR's). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted. Industrial uses are not permitted uses in the IS or RM Districts. Commercial uses are restricted.

Changes to Boundary Considerations since 1986:

No recorded boundary changes were found for the subject properties.

ANALYSIS AND RATIONALE FOR CHANGE (fill in any if they apply)

Changed Projections or Assumptions: None.

Data Errors:

Regarding the current Improved Subdivision (IS) designation, the applicant asserts that when the zoning was changed from BU-3 to the present designation of IS, the fact that the subject properties were located within the Johnsonville Subdivision led the Monroe County Planning Department to designate the properties as Improved Subdivision (IS), although they were occupied by a commercial / industrial building since 1966. However, Planning Staff has found no evidence to support or disclaim the applicant's assertions.

New Issues: None.

Recognition of a Need for Additional Detail or Comprehensiveness:

The applicant asserts that there is a need to recognize the commercial / industrial properties as suitable for a Sub Urban Commercial (SC) designation, given that the commercial / industrial use of the properties has been continuously in use from 1966 to present. The applicant asserts that Monroe County should make a distinction between the portion of Johnsonville Subdivision that is residential (suitable for IS zoning) and the portion that is commercial (suitable for SC zoning).

Data Update: None.

IMPACT AND POLICY ANALYSIS

Comparison of Development Potential for the Current and Proposed Land Uses:

Development Potential based on Current Land Development Regulations (LDR's)

MCC Section 9.5-213 states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the LDR's.

Uses permitted *as-of-right* include:

- Detached residential dwellings of all types;
- Home occupations;
- Accessory uses;
- Collocations on existing antenna-supporting structures;
- Satellite earth stations less than two (2) meters in diameter, as accessory uses; and
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences

Uses permitted as *minor conditional uses* include:

- Parks and community parks;
- Public parks;
- Schools; and
- Satellite earth stations greater than or equal to two (2) meters in diameter, as accessory uses

Uses permitted as *major conditional uses* include:

- Commercial retail of low and medium-intensity and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area;
- Stealth wireless communications facilities, as accessory uses;
- Land use overlays A, INS, PF; and
- Wastewater treatment facilities and wastewater treatment collection system(s)

Policy 101.4.3 of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted Lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.

The Future Land Use category that corresponds with the Improved Subdivision District (IS) is Residential Medium (RM).

Potential Development with the Proposed Map Amendments

MCC Section 9.5-206 states that the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without the use of U.S. Highway 1.

Uses permitted *as-of-right* include:

- Commercial retail of low and medium-intensity and office uses or any combination thereof of less than twenty-five hundred (2,500) square feet of floor area;
- Institutional residential uses, involving less than ten (10) dwelling units or rooms;

- Commercial apartments involving less than six (6) dwelling units in;
- Limited commercial recreational uses;
- Institutional uses;
- Public buildings and uses;
- Accessory uses,
- Storage areas, provided that the area does not exceed twenty-five (25) percent of the gross area of the parcel proposed for development;
- Vacation rental use of nonconforming detached and attached dwelling units;
- Collocations on existing antenna-supporting structures;
- Attached wireless communications facilities, as accessory uses;
- Replacement of an existing antenna-supporting structure;
- Stealth wireless communications facilities, as accessory uses;
- Satellite earth stations, as accessory uses;
- Attached and unattached residential dwellings involving less than six (6) units, designated as employee housing; and
- Wastewater nutrient reduction cluster systems that serve less than ten (10) residences

Uses permitted as *minor conditional uses* include:

- Commercial retail of low and medium-intensity and office uses or any combination thereof of greater than twenty-five hundred (2,500) but less than ten thousand (10,000) square feet of floor area, provided that access to U.S. 1 is by way of specified conditions;
- Commercial retail uses of high-intensity of less than twenty-five hundred (2,500) square feet of floor area, provided that access to U.S. 1 is by way of specified conditions;
- Institutional residential uses involving ten (10) to twenty (20) dwelling units or rooms, provided that the use is compatible with land use established in the immediate vicinity of the parcel for development and access to U.S. 1 is by way of specified conditions;
- Commercial apartments involving six (6) to eighteen (18) dwelling units, provided that the hours of operation of the commercial uses are compatible with the residential uses and access to U.S. 1 is by way of specified conditions;
- Hotels of fewer than twenty-five (25) rooms, provided that the development meets specified conditions;
- Campgrounds, provided that the development meets specified conditions;
- Light industrial uses, provided that the parcel proposed for development does not have an area greater than two (2) acres, the parcel is separated from any established residential use by at least a class C buffer-yard and all outside storage areas are screened from adjacent use by a solid fence, wall or hedge at least six (6) feet in height;
- Parks and community parks; and
- Attached and unattached residential dwellings involving six (6) to eighteen (18) units, designated as employee housing

Uses permitted as *major conditional uses* include:

- Commercial retail of low and medium-intensity and office uses or any combination thereof of greater than ten thousand (10,000) square feet of floor area, provided that access to U.S. 1 is by way of specified conditions;
- Commercial retail uses of high-intensity of greater than twenty-five hundred (2,500) square feet of floor area, provided that access to U.S. 1 is by way of specified conditions;

- Institutional residential uses involving twenty (20) or more dwelling units or rooms, provided that the use is compatible with land use established in the immediate vicinity of the parcel for development and access to U.S. 1 is by way of specified conditions;
- Hotels providing twenty-five (25) or more rooms, provided that the development meets specified conditions;
- Marinas, provided that the development meets specified conditions;
- Mariculture, provided that the development meets specified conditions;
- Heliports or seaplane ports, provided that the development meets specified conditions;
- New antenna supporting-structures;
- Land use overlays A, E, PF; and
- Attached and unattached residential dwellings involving more than eighteen (18) units, designated as employee housing

Policy 101.4.5 of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.

The Future Land Use category that corresponds with the Sub Urban Commercial District (SC) is Mixed Use / Commercial (MC).

Compatibility with Adjacent Land Uses and Effects on Community Character:

Local Use Compatibility

Residential uses are compatible with the character of the Johnsonville Subdivision community. However, immediately to the South of the subject properties, along U.S. Highway 1, is an area that is predominately commercial. The historic and current use of the properties is compatible with the neighboring commercial properties neighboring to the South.

Density and Intensity

The two subject properties are a combined 20,000 ft² (0.46 acres) in size.

Low and medium intensity residential uses are compatible with the character of the Johnsonville Subdivision community. Pursuant to MCC Section 9.5-262, in the Improved Subdivision District (IS), the allocated density is one dwelling unit per lot. In the Sub Urban Commercial District (SC), the allocated density is three (3) dwelling units per acre with a maximum net density of six (6) dwelling units per buildable area.

Nonresidential land use intensities are regulated pursuant to MCC Section 9.5-269. In the Improved Subdivision District (IS), the maximum floor area ratios are as follows: 0.25 for Commercial Retail Low Intensity; 0.20 for Commercial Retail Medium Intensity; and 0.25 for Offices. Light industry is not permitted. In the Sub Urban Commercial District (SC), the maximum floor area ratios are as follows: 0.35 for Commercial Retail Low Intensity; 0.25 for

Commercial Retail Medium Intensity; 0.15 for Commercial Retail High Intensity; 0.40 for Offices; 0.10 for Commercial Recreational; 0.30 for Institutional; 0.10 for Outdoor Recreational; 0.30 for Public Buildings and Uses; and 0.30 Light Industry.

Local Traffic and Parking

Local roads are already in place and have been well maintained. No adverse impact on the existing road conditions are expected if the land use designation is changed from Improved Subdivision (IS) to Sub Urban Commercial (SC). The site plan indicates that the parking standards of the LDR's can be met.

Effects on Natural Resources:

Staff feels that there will be little to no change in the level of impact to the natural resources of the area based on this proposed zoning change.

Effects on Public Facilities:

Objective 101.11 of the *Year 2010 Comprehensive Plan* requires the County to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed map amendments support Objective 101.11 based on the following findings in the 2006 Public Facilities Capacity Assessment Report and the listed programs on stormwater and wastewater.

Traffic Circulation

U.S. Highway No. 1 is required to maintain a level of service (LOS) of "C" in order to support additional development. The *2005 U.S. 1 Arterial Travel Time and Delay Study* for Monroe County indicates a LOS of "D" at the entrance to First Street (Segment 3 of U.S. 1, MM 9.0 to MM 10.5).

Solid Waste

Monroe County has a solid waste haul out contract with Waste Management Inc. that authorizes use of the in-state facilities through September 30, 2016, thereby providing the County with approximately 10 years of guaranteed capacity. The proposed land use district map amendment may affect solid waste, but not significantly.

Potable Water

In 2002, South Florida Water Management District approved an increase in Florida Keys Aqueduct Authority's Water Use Permit. Monroe County's Public Facilities Capacity Assessment Report indicates that there are over 100 gallons of water available per person per day. The 100 gallons per person per day standard is commonly accepted as appropriate and is reflected in Policy 701.1.1 of the *Monroe County Year 2010 Comprehensive Plan*.

Stormwater

No increase in stormwater runoff will result from this land use change. The subject properties have already been significantly developed. MCC Section 9.5-293 requires that all developments retain stormwater on site following Best Management Practices (BMP's).

Effects on Redevelopment/Infill Potential:

There will be no negative impacts on redevelopment / infill potentials. A commercial/ industrial use has been in existence on the property continuously since 1966. According to the applicant, the rezoning is necessary to bring the property into compliance and permit future development and redevelopment of the property in case of damage or destruction following a disaster.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. MCC Section 9.5-511 (d)(5)(b) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six specified conditions.
2. This map amendment recognizes a need for additional detail and comprehensiveness in planning (MCC Section 511(d)(5)(b)(v)). The application was initiated by the applicant in order to rezone the subject properties to current and future land use designations that correspond with the historic use of the subject properties.
3. The pre-1986 zoning of the subject properties was BU-3 (Heavy Business District). The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities.
4. During the 1986 Comprehensive Plan process, the land use district (zoning) of the subject properties was changed to Improved Subdivision (IS). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted, consistent with the Improved Subdivision District (IS). The Improved Subdivision (IS) and Residential Medium (RM) designations are not consistent with the BU-3 designation.
5. MCC Section 9.5-213 states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the land development regulations.
6. Policy 101.4.3 of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the

2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.

7. Pursuant to MCC Sections 9.5-143 and 9.5-242, the existing use of light industrial is a lawful, nonconforming use in the Improved Subdivision District.
8. The applicant has applied to have the existing land use district designation amended from Improved Subdivision (IS) to Sub Urban Commercial (SC) and to have the future land use map designation amended from Residential Medium (RM) to Mixed Use / Commercial (MC).
9. MCC Section 9.5-206 states that the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without the use of U.S. Highway 1.
10. Policy 101.4.5 of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.
11. MCC Section 9.5-511 prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.
12. The Future Land Use Map (FLUM) of the *Monroe County Year 2010 Comprehensive Plan* shows that most of Johnsonville Subdivision received a FLUM designation of Residential Medium (RM), consistent with the Improved Subdivision District (IS). However, neighboring properties to the South of the subject properties along U.S. Highway 1 received a FLUM designation of Mixed Use / Commercial (MC), consistent with the Sub Urban Commercial District (SC).
13. Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* states that Monroe County shall implement measures to direct future growth away from environmentally sensitive lands and towards established development areas served by existing public facilities.
14. The subject properties are within an established development area which is served by existing public facilities.

CONCLUSIONS OF LAW:

1. The pre-1986 zoning of BU-3 (Heavy Business District) for the subject properties is not consistent with the current Land Use District of Improved Subdivision (IS) or the Future Land Use Map designation of Residential Medium (RM).
2. Based on the historic light industry use of the subject properties, which has been continuous from 1966 to present, and pursuant to MCC Section 9.5-143, the existing use of light industrial is a lawful, nonconforming use. By amending the current Land Use District from Improved Subdivision (IS) to Sub Urban Commercial (SC) and the Future Land Use Map designation from Residential Medium (RM) to Mixed Use / Commercial (MC), the historic and existing use of the subject properties will be brought into compliance with the LDR's and will no longer be considered nonconforming. This will increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.
3. The proposed map amendment meets the fourth (v) criteria outlined in Section 511(d)(5)(b) of the *Monroe County Code* and will not have a negative impact or alter the character of the subject properties or the immediate vicinity.

RECOMMENDATION:

Based on the above Findings of Fact and Conclusions of Law, the Planning and Environmental Resources Department recommends **APPROVAL** to the Board of County Commissioners for the proposed Land Use District amendment from Improved Subdivision (IS) to Sub Urban Commercial (SC) and for the proposed Future Land Use Map amendment from Residential Medium (RM) to Mixed Use / Commercial (MC), for the two subject properties, RE 00153240.000000 & RE 00121660.000000.

PLANNING COMMISSION RESOLUTION #
P 14-06

PLANNING COMMISSION RESOLUTION NO. 14-06

A RESOLUTION BY THE PLANNING COMMISSION **APPROVING** THE REQUEST BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE LAND USE DISTRICT MAP FOR THE FOLLOWING PROPERTIES FROM IMPROVED SUBDIVISION (IS) TO SUB URBAN COMMERCIAL (SC). THE PROPERTIES ARE PHYSICALLY LOCATED ON FIRST STREET, BIG COPPITT KEY AND ARE LEGALLY DESCRIBED AS BLOCK 18, LOT 1, JOHNSONVILLE SUBDIVISION, PB 1-53, BIG COPPITT KEY, MONROE COUNTY, FLORIDA AND PART GOVERNMENT LOT 3, BIG COPPITT KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00153240.000000 AND 00121660.000000, AT APPROXIMATE MILE MARKER 10.

WHEREAS, the Planning Commission, during a regular meeting held on April 12, 2006 conducted a review and consideration of the request filed by Lee Robert Rohe, on behalf of Ruben Investment Properties, to amend the Land Use District (zoning) map designation of the following properties from Improved Subdivision (IS) to Sub Urban Commercial (SC). The properties are physically located on First Street, Big Coppitt Key and are legally described as Block 18, Lot 1, Johnsonville Subdivision, PB 1-53, Big Coppitt Key, Monroe County, Florida and Part Government Lot 3, Big Coppitt Key, Monroe County, Florida. The Real Estate numbers are 00153240.000000 and 00121660.000000, located at approximate Mile Marker 10; and

WHEREAS, at its March 21, 2006 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Land Use District map amendment as indicated in the DRC Resolution D04-06; and

WHEREAS, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Planning Commission as indicated in the Staff Report dated March 27, 2006; and

WHEREAS, the Planning Commission further reviewed the application and made the following **Finding of Facts**:

1. **Monroe County Code (MCC) Section 9.5-511 (d)(5)(b)** allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six specified conditions.

2. This map amendment recognizes a need for additional detail and comprehensiveness in planning (**MCC Section 511(d)(5)(b)(v)**). The application was initiated by the applicant in order to rezone the subject properties to current and future land use designations that correspond with the historic use of the subject properties.
3. The pre-1986 zoning of the subject properties was BU-3 (Heavy Business District). The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities.
4. During the 1986 Comprehensive Plan process, the land use district (zoning) of the subject properties was changed to Improved Subdivision (IS). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted, consistent with the Improved Subdivision District (IS). The Improved Subdivision (IS) and Residential Medium (RM) designations are not consistent with the BU-3 designation.
5. **MCC Section 9.5-213** states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the land development regulations.
6. **Policy 101.4.3** of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.
7. Pursuant to **MCC Sections 9.5-143** and **9.5-242**, the existing use of light industrial is a lawful, nonconforming use in the Improved Subdivision District.
8. The applicant has applied to have the existing land use district designation amended from Improved Subdivision (IS) to Sub Urban Commercial (SC) and to have the future land use map designation amended from Residential Medium (RM) to Mixed Use / Commercial (MC).
9. **MCC Section 9.5-206** states that the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This

district should be established at locations convenient and accessible to residential areas without the use of U.S. Highway 1.

10. **Policy 101.4.5** of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.
11. **MCC Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.
12. The Future Land Use Map (FLUM) of the *Monroe County Year 2010 Comprehensive Plan* shows that most of Johnsonville Subdivision received a FLUM designation of Residential Medium (RM), consistent with the Improved Subdivision District (IS). However, neighboring properties to the South of the subject properties along U.S. Highway 1 received a FLUM designation of Mixed Use / Commercial (MC), consistent with the Sub Urban Commercial District (SC).
13. **Objective 101.11** of the *Monroe County Year 2010 Comprehensive Plan* states that Monroe County shall implement measures to direct future growth away from environmentally sensitive lands and towards established development areas served by existing public facilities.
14. The subject properties are within an established development area which is served by existing public facilities.

WHEREAS, the Planning Commission made the following **Conclusions of Law**:

1. The pre-1986 zoning of BU-3 (Heavy Business District) for the subject properties is not consistent with the current Land Use District of Improved Subdivision (IS) or the Future Land Use Map designation of Residential Medium (RM).
2. Based on the historic light industry use of the subject properties, which has been continuous from 1966 to present, and pursuant to **MCC Section 9.5-143**, the existing use of light industrial is a lawful, nonconforming use. By amending the current Land Use District from Improved Subdivision (IS) to Sub Urban Commercial (SC) and the Future Land Use Map designation from Residential Medium (RM) to Mixed Use / Commercial (MC), the historic and existing use of the subject properties will be brought into compliance with the Land Development Regulations and will no longer be considered nonconforming. This will increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.

3. The proposed map amendment meets the fourth (v) criteria outlined in **Section 511(d)(5)(b)** of the *Monroe County Code* and will not have a negative impact or alter the character of the subject properties or the immediate vicinity.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners for the request filed by the applicant to amend the Land Use District map designation of Improved Subdivision (IS) to Sub Urban Commercial (SC) for Real Estate numbers are 00153240.000000 and 00121660.000000.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on the 12th day of April, 2006.

James D. Cameron, Chair	<u>YES</u>
Julio Margalli, Vice Chair	<u>YES</u>
Michelle Cates Deal, Commissioner	<u>YES</u>
Sherry Popham, Commissioner	<u>YES</u>
Randolph D. Wall, Commissioner	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY,
FLORIDA

By _____
James D. Cameron, Chair

Signed this _____ day of _____, 2006.

PLANNING COMMISSION RESOLUTION #
P 15-06

PLANNING COMMISSION RESOLUTION NO. 15-06

A RESOLUTION BY THE PLANNING COMMISSION **APPROVING** THE REQUEST BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE / COMMERCIAL (MC). THE PROPERTIES ARE PHYSICALLY LOCATED ON FIRST STREET, BIG COPPITT KEY AND ARE LEGALLY DESCRIBED AS BLOCK 18, LOT 1, JOHNSONVILLE SUBDIVISION, PB 1-53, BIG COPPITT KEY, MONROE COUNTY, FLORIDA AND PART GOVERNMENT LOT 3, BIG COPPITT KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00153240.000000 AND 00121660.000000, AT APPROXIMATE MILE MARKER 10.

WHEREAS, the Planning Commission, during a regular meeting held on April 12, 2006 conducted a review and consideration of the request filed by Lee Robert Rohe, on behalf of Ruben Investment Properties, to amend the Future Land Use Map designation of the following properties from Residential Medium (RM) to Mixed Use / Commercial (MC). The properties are physically located on First Street, Big Coppitt Key and are legally described as Block 18, Lot 1, Johnsonville Subdivision, PB 1-53, Big Coppitt Key, Monroe County, Florida and Part Government Lot 3, Big Coppitt Key, Monroe County, Florida. The Real Estate numbers are 00153240.000000 and 00121660.000000, located at approximate Mile Marker 10; and

WHEREAS, at its March 21, 2006 meeting in Marathon, the Development Review Committee (DRC) reviewed the application and recommended approval of this Future Land Use Map amendment as indicated in the DRC Resolution D05-06; and

WHEREAS, based on the recommendation of the Development Review Committee, the staff recommended approval of the application to the Planning Commission; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Planning Commission as indicated in the Staff Report dated March 27, 2006; and

WHEREAS, the Planning Commission further reviewed the application and made the following **Finding of Facts**:

1. **Monroe County Code (MCC) Section 9.5-511 (d)(5)(b)** allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six specified conditions.
2. This map amendment recognizes a need for additional detail and comprehensiveness in planning (**MCC Section 511(d)(5)(b)(v)**). The application was initiated by the applicant in order to rezone the subject properties to current and future land use designations that correspond with the historic use of the subject properties.
3. The pre-1986 zoning of the subject properties was BU-3 (Heavy Business District). The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities.
4. During the 1986 Comprehensive Plan process, the land use district (zoning) of the subject properties was changed to Improved Subdivision (IS). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted, consistent with the Improved Subdivision District (IS). The Improved Subdivision (IS) and Residential Medium (RM) designations are not consistent with the BU-3 designation.
5. **MCC Section 9.5-213** states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the land development regulations.
6. **Policy 101.4.3** of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.
7. Pursuant to **MCC Sections 9.5-143** and **9.5-242**, the existing use of light industrial is a lawful, nonconforming use in the Improved Subdivision District.
8. The applicant has applied to have the existing land use district designation amended from Improved Subdivision (IS) to Sub Urban Commercial (SC) and to have the future land use map designation amended from Residential Medium (RM) to Mixed Use / Commercial (MC).

9. **MCC Section 9.5-206** states that the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without the use of U.S. Highway 1.
10. **Policy 101.4.5** of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.
11. **MCC Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.
12. The Future Land Use Map (FLUM) of the *Monroe County Year 2010 Comprehensive Plan* shows that most of Johnsonville Subdivision received a FLUM designation of Residential Medium (RM), consistent with the Improved Subdivision District (IS). However, neighboring properties to the South of the subject properties along U.S. Highway 1 received a FLUM designation of Mixed Use / Commercial (MC), consistent with the Sub Urban Commercial District (SC).
13. **Objective 101.11** of the *Monroe County Year 2010 Comprehensive Plan* states that Monroe County shall implement measures to direct future growth away from environmentally sensitive lands and towards established development areas served by existing public facilities.
14. The subject properties are within an established development area which is served by existing public facilities.

WHEREAS, the Planning Commission made the following **Conclusions of Law**:

1. The pre-1986 zoning of BU-3 (Heavy Business District) for the subject properties is not consistent with the current Land Use District of Improved Subdivision (IS) or the Future Land Use Map designation of Residential Medium (RM).
2. Based on the historic light industry use of the subject properties, which has been continuous from 1966 to present, and pursuant to **MCC Section 9.5-143**, the existing use of light industrial is a lawful, nonconforming use. By amending the current Land Use District from Improved Subdivision (IS) to Sub Urban Commercial (SC) and the Future Land Use Map designation from Residential Medium (RM) to Mixed Use / Commercial (MC), the historic and existing use of the subject properties will be

brought into compliance with the Land Development Regulations and will no longer be considered nonconforming. This will increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.

3. The proposed map amendment meets the fourth (v) criteria outlined in **Section 511(d)(5)(b)** of the *Monroe County Code* and will not have a negative impact or alter the character of the subject properties or the immediate vicinity.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners for the request filed by the applicant to amend the Monroe County Year 2010 Comprehensive Plan, Future Land Use District Map designation of Residential (RM) to Mixed Use / Commercial (MC) for Real Estate numbers are 00153240.000000 and 00121660.000000.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on the 12th day of April, 2006.

James D. Cameron, Chair	<u>YES</u>
Julio Margalli, Vice Chair	<u>YES</u>
Michelle Cates Deal, Commissioner	<u>YES</u>
Sherry Popham, Commissioner	<u>YES</u>
Randolph D. Wall, Commissioner	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY,
FLORIDA

By _____
James D. Cameron, Chair

Signed this _____ day of _____, 2006.

DEVELOPMENT REVIEW COMMITTEE
RESOLUTION #D 04-06

DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. D04-06

A RESOLUTION BY THE DEVELOPMENT REVIEW COMMITTEE **APPROVING** THE REQUEST BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE LAND USE DISTRICT MAP FOR THE FOLLOWING PROPERTIES FROM IMPROVED SUBDIVISION (IS) TO SUB URBAN COMMERCIAL (SC). THE PROPERTIES ARE PHYSICALLY LOCATED ON FIRST STREET, BIG COPPITT KEY AND ARE LEGALLY DESCRIBED AS BLOCK 18, LOT 1, JOHNSONVILLE SUBDIVISION, PB 1-53, BIG COPPITT KEY, MONROE COUNTY, FLORIDA AND PART GOVERNMENT LOT 3, BIG COPPITT KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00153240.000000 AND 00121660.000000, AT APPROXIMATE MILE MARKER 10.

WHEREAS, the Development Review Committee, during a regular meeting held on March 21, 2006 conducted a review and consideration of the request filed by Lee Robert Rohe, on behalf of Ruben Investment Properties, to amend the Land Use District (zoning) map designation of the following properties from Improved Subdivision (IS) to Sub Urban Commercial (SC). The properties are physically located on First Street, Big Coppitt Key and are legally described as Block 18, Lot 1, Johnsonville Subdivision, PB 1-53, Big Coppitt Key, Monroe County, Florida and Part Government Lot 3, Big Coppitt Key, Monroe County, Florida. The Real Estate numbers are 00153240.000000 and 00121660.000000, located at approximate Mile Marker 10; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Development Review Committee as indicated in the Staff Report dated March 16, 2006; and

WHEREAS, the Development Review Committee further reviewed the application and made the following **Finding of Facts**:

1. **Monroe County Code (MCC) Section 9.5-511 (d)(5)(b)** allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six specified conditions.
2. This map amendment recognizes a need for additional detail and comprehensiveness in planning (**MCC Section 511(d)(5)(b)(v)**). The application was initiated by the applicant in order to rezone the subject properties to current and future land use designations that correspond with the historic use of the subject properties.

3. The pre-1986 zoning of the subject properties was BU-3 (Heavy Business District). The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities.
4. During the 1986 Comprehensive Plan process, the land use district (zoning) of the subject properties was changed to Improved Subdivision (IS). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted, consistent with the Improved Subdivision District (IS). The Improved Subdivision (IS) and Residential Medium (RM) designations are not consistent with the BU-3 designation.
5. **MCC Section 9.5-213** states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the land development regulations.
6. **Policy 101.4.3** of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.
7. Pursuant to **MCC Sections 9.5-143** and **9.5-242**, the existing use of light industrial is a lawful, nonconforming use in the Improved Subdivision District.
8. The applicant has applied to have the existing land use district designation amended from Improved Subdivision (IS) to Sub Urban Commercial (SC) and to have the future land use map designation amended from Residential Medium (RM) to Mixed Use / Commercial (MC).
9. **MCC Section 9.5-206** states that the purpose of the Sub Urban Commercial District (SC) is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without the use of U.S. Highway 1.
10. **Policy 101.4.5** of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of

commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.

11. **MCC Section 9.5-511** prohibits any map amendments that would negatively impact community character. The existing land use designation and proposed land use designation permit residential uses and are not anticipated to negatively impact the community character.
12. The Future Land Use Map (FLUM) of the *Monroe County Year 2010 Comprehensive Plan* shows that most of Johnsonville Subdivision received a FLUM designation of Residential Medium (RM), consistent with the Improved Subdivision District (IS). However, neighboring properties to the South of the subject properties along U.S. Highway 1 received a FLUM designation of Mixed Use / Commercial (MC), consistent with the Sub Urban Commercial District (SC).
13. **Objective 101.11** of the *Monroe County Year 2010 Comprehensive Plan* states that Monroe County shall implement measures to direct future growth away from environmentally sensitive lands and towards established development areas served by existing public facilities.
14. The subject properties are within an established development area which is served by existing public facilities.

WHEREAS, the Development Review Committee made the following
Conclusions of Law:

1. The pre-1986 zoning of BU-3 (Heavy Business District) for the subject properties is not consistent with the current Land Use District of Improved Subdivision (IS) or the Future Land Use Map designation of Residential Medium (RM).
2. Based on the historic light industry use of the subject properties, which has been continuous from 1966 to present, and pursuant to **MCC Section 9.5-143**, the existing use of light industrial is a lawful, nonconforming use. By amending the current Land Use District from Improved Subdivision (IS) to Sub Urban Commercial (SC) and the Future Land Use Map designation from Residential Medium (RM) to Mixed Use / Commercial (MC), the historic and existing use of the subject properties will be brought into compliance with the Land Development Regulations and will no longer be considered nonconforming. This will increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.
3. The proposed map amendment meets the fourth (v) criteria outlined in **Section 511(d)(5)(b)** of the *Monroe County Code* and will not have a negative impact or alter the character of the subject properties or the immediate vicinity.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Planning Commission for the request filed by the applicant to amend the Land Use District map designation of Improved Subdivision (IS) to Sub Urban Commercial (SC) for Real Estate numbers are 00153240.000000 and 00121660.000000.

PASSED AND ADOPTED by the Development Review Committee of Monroe County at a regular meeting held on the 21st day of March, 2006.

Heather Beckmann, Senior Planner	<u>YES</u>
Joseph Haberman, Planner	<u>YES</u>
Ralph Gouldy, Sr. Administrator of Environmental Resources	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY,
FLORIDA

By _____
Aref Joulani, DRC Chair

Signed this _____ day of _____, 2006

DEVELOPMENT REVIEW COMMITTEE
RESOLUTION #D 05-06

DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. D05-06

A RESOLUTION BY THE DEVELOPMENT REVIEW COMMITTEE **APPROVING** THE REQUEST BY LEE ROBERT ROHE, ON BEHALF OF RUBEN INVESTMENT PROPERTIES, TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTIES FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE / COMMERCIAL (MC). THE PROPERTIES ARE PHYSICALLY LOCATED ON FIRST STREET, BIG COPPITT KEY AND ARE LEGALLY DESCRIBED AS BLOCK 18, LOT 1, JOHNSONVILLE SUBDIVISION, PB 1-53, BIG COPPITT KEY, MONROE COUNTY, FLORIDA AND PART GOVERNMENT LOT 3, BIG COPPITT KEY, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBERS ARE 00153240.000000 AND 00121660.000000, AT APPROXIMATE MILE MARKER 10.

WHEREAS, the Development Review Committee, during a regular meeting held on March 21, 2006 conducted a review and consideration of the request filed by Lee Robert Rohe, on behalf of Ruben Investment Properties, to amend the Future Land Use Map designation of the following properties from Residential Medium (RM) to Mixed Use / Commercial (MC). The properties are physically located on First Street, Big Coppitt Key and are legally described as Block 18, Lot 1, Johnsonville Subdivision, PB 1-53, Big Coppitt Key, Monroe County, Florida and Part Government Lot 3, Big Coppitt Key, Monroe County, Florida. The Real Estate numbers are 00153240.000000 and 00121660.000000, located at approximate Mile Marker 10; and

WHEREAS, after further review of the application and consideration of facts, staff recommended approval to the Development Review Committee as indicated in the Staff Report dated March 16, 2006; and

WHEREAS, the Development Review Committee further reviewed the application and made the following **Finding of Facts**:

1. **Monroe County Code (MCC) Section 9.5-511 (d)(5)(b)** allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six specified conditions.
2. This map amendment recognizes a need for additional detail and comprehensiveness in planning (**MCC Section 511(d)(5)(b)(v)**). The application was initiated by the applicant in order to rezone the subject properties to current and future land use designations that correspond with the historic use of the subject properties.

3. The pre-1986 zoning of the subject properties was BU-3 (Heavy Business District). The BU-3 district was intended to provide suitable areas for manufacturing, processing, storage and distribution of goods and commodities.
4. During the 1986 Comprehensive Plan process, the land use district (zoning) of the subject properties was changed to Improved Subdivision (IS). The properties were given the Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1997 when the FLUM was adopted, consistent with the Improved Subdivision District (IS). The Improved Subdivision (IS) and Residential Medium (RM) designations are not consistent with the BU-3 designation.
5. **MCC Section 9.5-213** states that the purpose of the Improved Subdivision District (IS) is to accommodate the legally vested residential development rights of owners of lots in subdivisions that were lawfully established and improved prior to the adoption of the land development regulations.
6. **Policy 101.4.3** of the *Monroe County Year 2010 Comprehensive Plan* states that the purpose of the Residential Medium (RM) land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of the plan. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each platted lot or parcel which existed at the time of plan adoption. However, nonresidential uses that were listed as a permitted use in the land development regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan and that lawfully existed on such lands on January 4, 1996 may redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 land development regulations allowed, whichever is more restrictive.
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8. The applicant has applied to have the existing land use district designation amended from Improved Subdivision (IS) to Sub Urban Commercial (SC) and to have the future land use map designation amended from Residential Medium (RM) to Mixed Use / Commercial (MC).
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10. **Policy 101.4.5** of the *Monroe County Year 2010 Comprehensive Plan* states that the principal purpose of the Mixed Use/ Commercial (MC) land use category is to provide for the establishment of commercial zoning districts where various types of

commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. The land use category is intended to allow for the establishment of mixed use development patterns, where appropriate.

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14. The subject properties are within an established development area which is served by existing public facilities.

WHEREAS, the Development Review Committee made the following
Conclusions of Law:

1. The pre-1986 zoning of BU-3 (Heavy Business District) for the subject properties is not consistent with the current Land Use District of Improved Subdivision (IS) or the Future Land Use Map designation of Residential Medium (RM).
2. Based on the historic light industry use of the subject properties, which has been continuous from 1966 to present, and pursuant to **MCC Section 9.5-143**, the existing use of light industrial is a lawful, nonconforming use. By amending the current Land Use District from Improved Subdivision (IS) to Sub Urban Commercial (SC) and the Future Land Use Map designation from Residential Medium (RM) to Mixed Use / Commercial (MC), the historic and existing use of the subject properties will be brought into compliance with the Land Development Regulations and will no longer be considered nonconforming. This will increase the redevelopment potential for the subject property and provide opportunities for improvements to occur.
3. The proposed map amendment meets the fourth (v) criteria outlined in **Section 511(d)(5)(b)** of the *Monroe County Code* and will not have a negative impact or alter the character of the subject properties or the immediate vicinity.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Planning Commission for the request filed by the applicant to amend the Monroe County Year 2010 Comprehensive Plan, Future Land Use District Map designation of Residential (RM) to Mixed Use / Commercial (MC) for Real Estate numbers are 00153240.000000 and 00121660.000000.

PASSED AND ADOPTED by the Development Review Committee of Monroe County at a regular meeting held on the 21st day of March, 2006.

Heather Beckmann, Senior Planner

YES

Joseph Haberman, Planner

YES

Ralph Gouldy, Sr. Administrator of Environmental Resources

YES

Department of Health (by FAX)

YES

Department of Public Works (by FAX)

YES

Department of Engineering (by FAX)

YES

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY,
FLORIDA

By _____
Aref Joulani, DRC Chair

Signed this _____ day of _____, 2006